

Daniel P. McKay  
Office of United States Trustee  
Liberty Center, Suite 204  
301 Central Avenue  
Great Falls, MT 59403  
Phone: (406) 761-8777  
Fax: (406) 761-8895  
e-mail: dan.p.mckay@usdoj.gov  
State Bar I.D. No. 2422  
(Attorney for the United States Trustee)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA

In re	)	Case No. 06-60855-11
	)	
INCREDIBLE AUTO SALES, L.L.C.,	)	<b>NOTICE OF HEARING</b>
	)	<b>Date: March 20, 2007</b>
Debtor.	)	<b>Time: 9:00 a.m.</b>
	)	<b>Location: 5<sup>th</sup> Fl. Courtroom</b>
	)	<b>316 N. 26<sup>th</sup> Street</b>
	)	<b>Billings, Montana</b>

UNITED STATES TRUSTEE'S OBJECTION TO DEBTOR'S MOTION  
TO CONTINUE HEARING ON MOTION TO CONVERT

United States Trustee Ilene J. Lashinsky ("UST"), through her undersigned attorney, Daniel P. McKay, respectfully objects to the Debtor's Motion to Continue the hearing on the UST's Motion to Convert. The UST learned from Debtor's attorney in the afternoon of Friday, March 9, 2007, that business records of the Debtor had been removed from the Debtor's business premises. The undersigned, earlier that day, had told Debtor's attorney that the UST would consent to a continuance of the hearing on the UST's Motion to Convert. After receiving the news about the missing business records, the undersigned attempted to call Debtor's attorney that, in light of this very serious development, the UST could not consent to a continuance of the hearing. The undersigned could not reach Debtor's attorney, but left a message on his voice mail.

It is imperative that the UST's Motion to Convert be heard at the earliest possible time. This case should be converted to chapter 7 so that an independent trustee can be appointed. The disappearance of business records is a further indication that there are ongoing losses to, and

1 diminution of this bankruptcy estate and that grounds for conversion exist under 11 U.S.C.  
2 § 1112(b)(4)(A).

3 WHEREFORE, the United States Trustee objects to the Debtor's Motion to Continue the  
4 hearing on the United States Trustee's Motion to Convert.

5 WHEREFORE, the United States Trustee objects to Debtor's Application to Employ  
6 Attorney.

7 DATED this 12<sup>th</sup> day of March, 2007.

8 Respectfully Submitted

9 ILENE J. LASHINSKY  
10 United States Trustee

11 /s/ Daniel P. McKay  
12 DANIEL P. McKAY  
13 Attorney for United States Trustee

14 CERTIFICATE OF SERVICE

15 I, the undersigned, Attorney for Office of U.S. Trustee, do hereby certify under penalty of  
16 perjury that a copy of the within and foregoing Objection to Application to Employ Attorney was  
17 served on the 12<sup>th</sup> day of March, 2007, through the Court's ECF system, on the following:

18 Ross R. Richardson  
19 [rossrichardon@qwest.net](mailto:rossrichardon@qwest.net)

William L. Needler  
[williamlneedler@oal.com](mailto:williamlneedler@oal.com)

20 Lisa Swan Semansky  
21 [semansky@bresnan.net](mailto:semansky@bresnan.net)

Clarke B. Rice  
[ClarkeB.Rice@imt.net](mailto:ClarkeB.Rice@imt.net)

22 Bruce F. Fain  
23 [bruce@murphkirk.com](mailto:bruce@murphkirk.com)

Jeffrey N. Rich  
[jrich@klng.com](mailto:jrich@klng.com)

24 Jeffery A. Hunnes  
25 [jhunnies@ghrtlawfirm.com](mailto:jhunnies@ghrtlawfirm.com)

Christopher P. Birkle  
[lovellaw@hotmail.com](mailto:lovellaw@hotmail.com)

26 Alan C. Bryan  
27 [abryan@crowleylaw.com](mailto:abryan@crowleylaw.com)

James A. Patten  
[japatten@ppbglaw.com](mailto:japatten@ppbglaw.com)

28 Christian T. Nygren  
[nygren@bigskylawyers.com](mailto:nygren@bigskylawyers.com)

Doug James  
[james@moultonlawfirm.com](mailto:james@moultonlawfirm.com)

Shane P. Coleman  
[spcoleman@hollandhart.com](mailto:spcoleman@hollandhart.com)

Gregory W. Duncan  
[gd@mt.net](mailto:gd@mt.net)

Charles W. Hingle

1 [chingle@hollandhart.com](mailto:chingle@hollandhart.com)

2 Jason S. Ritchie  
3 [jritchie@hollandhart.com](mailto:jritchie@hollandhart.com)

4  
5 /s/ Daniel P. McKay  
6 Daniel P. McKay